

**Amendments to the Drawings**

New corrected drawings in compliance with 37 CFR 1.121(d) are provided as requested by the Examiner. The changes are reflected in the attached drawing replacement sheets. Please **replace** the previous drawings with the attached drawings.

### **Remarks/Arguments**

The official office action dated January 17, 2007 has been carefully considered. Claims 1-4, 6-19 and 27-39 remain in the application. Claims 1 and 27 have been amended to more particularly point out and distinctly claim Applicants' invention. Claim 13 has been amended to correct a typographical error. Claim 32 has been amended to correct a typographical error. Applicants appreciate the Examiner's indication that claims 12 and 29 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants believe the claims presented herewith are sufficient to place the present application in condition for allowance. Reconsideration is respectfully requested.

### **Election/Restriction**

Applicants respectfully submit that claims 14 and 15 are drawn to elected species (II.b, Fig. 10). Applicants direct the Examiner's attention to paragraph [0040] of the specification for a description of Figure 10. Applicants respectfully submit that Figure 10 describes elected species II.b with claims 14 and 15 reading thereon.

### **Claim Objections**

Claim 13 is objected to because of a typographical error. Claim 13 has been amended to correct this error, thus rendering this objection moot.

### **Claim rejections under 35 U.S.C. §112**

Claims 1-19 stand rejected under 35 U.S.C. §112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. This rejection is respectfully traversed.

The Examiner indicates that there is insufficient antecedent basis for the limitation "the exterior surface" in line 7 of claim 1. Applicants have amended claim 1 to read "an exterior surface" instead of "the exterior surface."

### **Claim rejections under 35 U.S.C. §102**

Claims 1-4, 6-11, 16 and 19 stand rejected under 35 U.S.C. §102 as being anticipated by Price U.S. Pub. 2003/0213505. This rejection is respectfully traversed.

The Examiner asserts that Price discloses a dishwasher including a filter for filtering wash liquid having a chamber wall defining the filter chamber, an inlet opening communicating with the filter chamber, outlet opening communicating with filter chamber and wash chamber, filter element and drain outlet.

However, Applicants can find no teaching or suggestion in Price of “a drain outlet at the bottom of said filter chamber for draining wash liquid and material filtered by said filter to drain,” as recited in independent claim 1. As best shown in Figure 1a of Price, the recirculation cell includes two outlet ports: (1) a bypass outlet (233) for recirculating filtered wash liquid and (2) an outlet port (237) for recirculating electrolyzed wash liquid. Both outlet ports are directed into the wash chamber (213) to be recirculated in the wash cycle. In contrast, as best shown in Figures 7 and 8, Applicants’ invention includes a drain outlet at the bottom of the filtering chamber that is in communication with the drain pump and drain. As described in paragraph [0035] of the specification:

A drain outlet can be provided at the bottom of filter chamber sump to allow wash liquid and accumulated food particles to be pumped to the household drain, not shown, by a drain pump, not shown.

Thus, the drain outlet is directed to the drain pump to remove food particles or wash liquid from the filtering chamber and dishwasher. The drain outlet does not direct the food particles or wash liquid into the wash chamber for recirculation, as shown in Price. Thus, Price does not appear to disclose any structure or method for draining wash liquid and material filtered from the filter chamber to a drain to be removed from the dishwasher, as disclosed by Applicants in independent claim 1.

Additionally, Applicants can find no teaching or suggestion in Price of the filtering chamber collecting particulate material from the wash liquid, as recited in independent claim 1. Due to the placement of Price’s filter and the two outlet ports it appears that particulate material is directed back into the wash chamber. Applicants direct the Examiner to paragraph [0196] of Price, which states:

The filter can be removably housed in or attached to the inlet port of the appliance wall, the inlet port of the device, and/or the inlet opening of the cell, or by any other means that the filter prevents particles greater than 0.1 mm from entering the cell and thereby ultimately preventing production of new halogenated mixed oxidants.

In each case, particulate material remains in the wash chamber. Thus, Price does not disclose any structure or method for collecting particulate material in the filter chamber. In contrast, as shown in Applicants' invention, food particles and other particulate material enter the filtering chamber and then accumulate at the bottom of the chamber. Due to the placement of the filter at the outlet opening of the filtering chamber, as recited in independent claim 1, the particulate material is blocked from exiting the chamber.

Since Price does not teach or suggest every element as recited in independent claim 1, Applicants respectfully submit that Applicants' invention is not anticipated by Price and that claim 1 is patentable under 35 U.S.C. §102. Since claims 2-4, 6-11, 16 and 19 depend from and include the same distinctive features of claim 1, Applicants submit that claims 2-4, 6-11, 16 and 19 are also allowable.

### **Claim rejections under 35 U.S.C. §103**

Claims 17, 27, 28 and 31-39 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Price in view of Applicants' specification. This rejection is respectfully traversed.

For the reasons stated above, Applicants believe that claim 1 is allowable. Since claim 17 depends from and includes the same distinctive features of claim 1, Applicants submit that claim 17 is also allowable.

With regard to claim 27 and as argued above with regard to claim 1, Applicants respectfully submit that Price does not teach or suggest "a drain outlet at the bottom of said filter chamber for draining wash liquid and material filtered by said filter to drain," as recited in independent claim 27. Furthermore, Applicants can find no teaching or suggestion in Price of the filtering chamber collecting particulate material from the wash liquid, as further recited in independent claim 27. For these reasons, Applicants respectfully submit that Applicants' invention is patentably distinct over Price and that claim 27 is allowable. Since claims 28 and 31-39 depend

from and include the same distinctive features of claim 27, Applicants submit that claims 28 and 31-39 are also allowable.

Claim 18 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Price in view of Sargeant, U.S. Pat. No. 5,743,281. This rejection is respectfully traversed.

For the reasons stated above, Applicants believe that claim 1 is allowable. Applicants further submit that Sargeant does not cure the deficiencies of Price. Since claim 18 depends from and includes the same distinctive features of claim 1, Applicants submit that claim 18 is also allowable.

Claims 13 and 30 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Price in view of Thies, U.S. Pat. No. 5,909,743. This rejection is respectfully traversed.

For the reasons stated above, Applicants believe that claims 1 and 27 are allowable. Applicants further submit that Thies does not cure the deficiencies of Price. Since claim 13 depends from and includes the same distinctive features of claim 1 and claim 30 depends from and includes the same distinctive features of claim 27, Applicants submit that claims 13 and 30 are also allowable.

Notification of allowability is respectfully requested. If there are any questions regarding this matter, please contact the attorney of record.

Respectfully submitted,

Dated: March 12, 2007

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| CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))   |   |
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| Date: <u>March 12, 2007</u>   | <u>/Deborah A. Tomaszewski/</u><br><b>Signature</b><br><u>Deborah A. Tomaszewski</u><br>(type or print name of person certifying) |